Notice of Allowability	Application No.	Applicant(s)	
	10/658,074	ARGENTINE, JEFFERY C.	
	Examiner	Art Unit	
	Tony G. Soohoo	1723	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to *telephone in interview of 31 March 2006*.

2. ☒ The allowed claim(s) is/are *1-3,5,7-11,14-17,19 and 21-28*.

3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
   a) ☐ All b) ☐ Some* c) ☐ None of the:
      1. ☐ Certified copies of the priority documents have been received.
      2. ☐ Certified copies of the priority documents have been received in Application No. _____ .
      3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

   * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
   (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
   (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

   Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date *attached* .
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

EXAMINER'S AMENDMENT

1. An extension of time under 37 CFR 1.136(a) is required in order to make an examiner's amendment which places this application in condition for allowance. During a telephone conversation conducted on 31 March 2006, Stephen Cannavale requested an extension of time for one MONTH(S) and authorized the Director to charge Deposit Account No. 08-2461 the required fee of $60 for this extension and authorized the following examiner's amendment. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

2. The examiner initiated a telephone interview to proposed language to clarify the base and linkage structures which would define over the prior art.

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Stephen Cannavale on 31 March 2006.

The application has been amended as follows:

1. (Currently Amended) A device for mixing a material, the device comprising:

a base for supporting said device on a surface;

a first container and a second container;

a first linkage coupled to ~~the~~ said base at a first fixed pivot point, the first linkage comprising at least two bars coupled together via at least one first linkage pivot joint, the first linkage configured to contact a first plunger of a first syringe to move a material from the first container through a conduit to the second container; and

a second linkage coupled to ~~the~~ said base at a second fixed pivot point, the second linkage comprising at least two bars coupled together via at least one second linkage pivot joint, the second linkage configured to contact a second plunger of the second container to move the material from the second container through the conduit manifold to the first container.

2. (Original) The device of claim 1, wherein the device is configured to mix the material by movement of the material between the first and second containers via the conduit.

3. (Original) The device of claim 1, wherein the device is configured to mix a first material contained in the first container with a second material contained in the second container by movement of the first and second materials between the first and second containers via the conduit.

4. (Canceled)

5. (Previously Presented) The device of claim 1, wherein the first linkage comprises a first linkage rocker bar and a first linkage coupler bar, such that the first linkage rocker bar is pivotally coupled with the base, and a first end of the first linkage coupler bar is in translational cooperation with the base.

6. (Canceled)

7. (Previously Presented) The device of claim 1, wherein the second linkage comprises a second linkage rocker bar and a second linkage coupler bar, such that the second linkage rocker bar is pivotally coupled with the base, and a first end of the second linkage coupler bar is in translational cooperation with the base.

8. (Previously Presented) The device of claim 5, wherein the first linkage comprises a first linkage geometry such that activation of the first linkage is accomplished by a force applied at a handle end of the first linkage rocker bar, the force having a primary vector substantially orthogonal to a resting plane of the base.

9. (Original) The device of claim 8, wherein the first linkage geometry ensures that the primary vector is sufficient to maintain the position of the base on a resting surface during operation of the device.

10. (Previously Presented) The device of claim 7, wherein the second linkage comprises a second linkage geometry such that activation of the second linkage is accomplished by a force applied at a handle end of the second linkage rocker bar, the force having a primary vector substantially orthogonal to a resting plane of the base.

11. (Previously Presented) The device of claim 10, wherein the second linkage geometry ensures that the primary vector is sufficient to maintain the position of the base on a resting surface during operation of the device.

12. (Original) The device of claim 1, wherein the conduit comprises a tube.

13. (Original) The device of claim 1, wherein the conduit comprises a manifold.

14. (Original) The device of claim 1, wherein at least one of the first and second containers comprises a syringe.

15. (Currently Amended) A device for mixing a material, the device comprising:

a base for supporting said device on a surface;

a first linkage coupled with ~~the~~ said base at a first fixed pivot point, the first linkage configured to move a first material from a first container to a second container chamber via a conduit; and

a second linkage coupled with ~~the~~ said base at a second fixed pivot point, the second linkage configured to move the material from the second container via the conduit to the first container;

wherein the first linkage comprises a first linkage rocker bar pivotally coupled with a first linkage coupler bar via a first linkage rocker-coupler joint, the first linkage coupler bar configured to transmit a force to the first container, and the second linkage comprises a second linkage rocker bar pivotally coupled with a second linkage coupler bar via a second linkage rocker-coupler joint, the second linkage coupler bar configured to transmit a force to the second container.

16. (Original) The device of claim 15, wherein the device is configured to mix the first material contained in the first container with a second material contained in the second container,

and wherein the movement of the first and second materials between the first and second containers contributes to the mixing of the first and second materials.

17. (Original) The device of claim 16, wherein the first container comprises a first syringe and the second container comprises a second syringe, and wherein the first linkage is configured to drive a first plunger of the first syringe and the second linkage is configured to drive a second plunger of the second syringe.

18. (Canceled)

19. (Previously Presented) The device of claim 15, wherein the first linkage rocker bar is pivotally coupled with the base, and a first end of the first linkage coupler bar is in translational cooperation with the base.

20. (Canceled)

21. (Previously Presented) The device of claim 15, wherein the second linkage rocker bar is pivotally coupled with the base, and a first end of the second linkage coupler bar is in translational cooperation with the base.

22. (Previously Presented) The device of claim 15, wherein the first linkage comprises a first linkage geometry such that activation of the first linkage is accomplished by a force applied at a handle end of the first linkage rocker bar, the force having a primary vector substantially orthogonal to a resting plane of the base.

23. (Original) The device of claim 22, wherein the first linkage geometry ensures that the primary vector is sufficient to maintain the position of the base on a resting surface during operation of the device.

24. (Previously Presented) The device of claim 15, wherein the second linkage comprises a second linkage geometry such that activation of the second linkage is accomplished by a force applied at a handle end of the second linkage rocker bar, the force having a primary vector substantially orthogonal to a resting plane of the base.

25. (Original) The device of claim 24, wherein the second linkage geometry ensures that the primary vector is sufficient to maintain the position of the base on a resting surface during operation of the device.

26. (Currently Amended) A device for mixing a material, the device comprising:

a base for supporting said device on a surface;

a first linkage coupled to ~~the~~ said base at a first fixed pivot point, the first linkage comprising a first linkage rocker bar coupled with a first linkage coupler bar via at least one first linkage pivot joint, the first linkage coupler bar configured to contact a first plunger of a first syringe to move a material from a first syringe through a conduit to a second syringe; and

a second linkage coupled to ~~the~~ said base at a second fixed pivot point, the second linkage comprising a second linkage rocker bar at least two bars coupled a second linkage coupler bar together via at least one second linkage pivot joint, the second linkage coupler bar configured to contact a second plunger of the second syringe to move the material from the second syringe through the conduit to the first syringe; and

a plurality of feet on a resting surface of the base, each foot comprising a retractable point and a contact patch, the retractable point and the contact patch adapted to contact a surface and inhibit movement of the device on the surface;

wherein the movement of the material between the first and second syringes contributes to the mixing of the material.

27. (Currently Amended) A system for mixing a first material with a second material, the system comprising:

a) a first linkage having a first linkage rocker bar coupled with a first linkage coupler bar via at least two bars and at least one first linkage pivot joint;

b) a second linkage having a second linkage rocker bar coupled with a second linkage coupler bar via at least one second linkage pivot joint;

c) a first syringe containing a first material;

d) a second syringe containing a second material; and

e) a base for supporting said device on a surface, coupled with ~~the~~ said first linkage said first linkage coupled to a first fixed pivot point and ~~the~~ said second linkage, said second linkage coupled to a second fixed pivot point;

wherein the first linkage is configured to contact a first plunger of the first syringe to move the first material through a conduit to a second syringe; the second linkage is configured to contact a second plunger of the second syringe to move the first material and the second material through the conduit to the first syringe; and the movement of the first and second materials between the first and second syringes contributes to the mixing of the materials.

28. (Currently Amended) A kit comprising:

a mixer comprising:

a base for supporting said device on a surface,;

a first linkage coupled to ~~the~~ said base at a first fixed pivot point, the first linkage comprising at least two bars coupled together via at least one first linkage pivot joint, the first linkage configured to contact a first activator of a first container to move a material from the first container through a conduit to a second container;

a second linkage coupled to ~~the~~ said base at a second fixed pivot point, the second linkage comprising at least two bars coupled together via at least one second linkage pivot joint, the second linkage configured to contact a second activator of the second container to move the material from the second container through the conduit to the first container; and

instructions to use the mixer for mixing at least one material.

4. The following is an examiner's statement of reasons for allowance:

5. The claims distinguish over the art of record whereby prior art fails to show or render obvious a support surface base in cooperation with a 1st and 2nd linkages with respective fixed pivot points, and each having respective two bars coupled with respective pivot joints so as the respective linkage is connected with respective plungers to move material thorough a conduit manifold for mixing as recited in the language of the claim(s).

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tony G. Soohoo whose telephone number is (571) 272 1147. The examiner can normally be reached on 7-5PM,Tue-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda Walker can be reached on 571-272-1151. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tony G Soohoo
Primary Examiner
Art Unit 1723

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